

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ROBERT SHIRLEY,)	
)	
Petitioner,)	
vs.)	NO. CIV-19-0190-HE
)	
JUDGE LORI M. WALKLEY,)	
)	
Respondent.)	

ORDER

Petitioner Robert Shirley filed a habeas petition pursuant to 28 U.S.C. § 2241 alleging that the state district court and Oklahoma Court of Criminal Appeals incorrectly interpreted state law regarding his sentencing. Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to Magistrate Judge Suzanne Mitchell for initial proceedings. Judge Mitchell has issued a Report and Recommendation recommending that the court dismiss the petition for failure to state a claim under § 2241. Petitioner has responded to the Report requesting that his petition be dismissed without prejudice.

Having failed to object to the Report, petitioner has waived his right to appellate review of the factual and legal issues it addressed. Casanova v. Ulibarri, 595 F.3d 1120, 1123 (10th Cir. 2010). The Report and Recommendation [Doc. # 13] is **ADOPTED**. The petition is **DISMISSED** without prejudice. Petitioner's Motion to Dismiss [Doc. # 20] is **STRICKEN** as moot.

IT IS SO ORDERED.

Dated this 12th day of June, 2019.



JOE HEATON
CHIEF U.S. DISTRICT JUDGE